

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EARL FORSYTHE,

Plaintiff,

-v-

CIGNA HEALTHCARE, et al.,

Defendants.  
-----X

JED S. RAKOFF, U.S.D.J.

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09 Civ. 7633 (JSR)

ORDER

On August 30, 2010, the Honorable Ronald L. Ellis, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court grant defendants' motions to dismiss the complaint for failure to state a claim and deny as moot plaintiff's motion to compel.

None of the parties has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C., 596 F.3d 84, 92 (2d Cir. 2010). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses the above-captioned action and denies plaintiff's motion to compel. Further, because amendment of the complaint would be futile, the Court specifies that this dismissal is with prejudice. See Ruffolo v. Oppenheimer & Co., 987 F.2d 129 (2d Cir. 1993). Clerk to enter judgment.

SO ORDERED.

Dated: New York, NY  
September 23, 2010

  
JED S. RAKOFF, U.S.D.J.